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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,437	03/22/2001	Christopher D. Bartlett	66-12272	5239

7590 05/07/2002  
Henry C. Query, Jr.  
504 S. Pierce Ave.  
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EXAMINER

BEACH, THOMAS A

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 05/07/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/815,437

Applicant(s)

BARTLETT ET AL.

Examiner

Thomas A Beach

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-14 and 19-21 is/are rejected.
- 7) ☐ Claim(s) 15-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 3/22/01 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second ring seals of claim 3 and the locking dogs of claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12-13 and 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 recites the limitation "the annulus bore" in line 3 and claims 19 and 20 recite the limitation "the annulus bore" in lines 9, 14 and 4, respectively. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Pritchett et al 5,686,204. Pritchett shows a flow completion system with a tubing hanger 21 with a production bore 53, production passageway 63 and outlet, and further showing first 66 and second 69 closure members (wireline plugs) and first 31 and second 49 annular seals. Pritchett shows in figure 2 first and second ring seals (unnumbered) mounted on the bodies 29 and 53 respectively.

6. Claims 1-3, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hopper 5,544,707. Hopper shows a flow completion system with a tubing hanger 21 with a production bore 45, production passageway 27 and outlet 9, and further showing first 29 and second 51 closure members (wireline plugs) and first 65 and second annular seals. Hopper shows in figure 2 first and second ring seals (unnumbered) mounted on the bodies 29 and 53 respectively. Hopper shows in figure 8 a tree cap 34 with an annulus stab.

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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7. Claims 1-3 and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Milberger 6,050,339. Milberger shows a flow completion system with a tubing hanger 21 with a production bore 45, production passageway 27 and outlet 9, and further showing first 29 and second 51 closure members (wireline plugs) and first 31 and second 49 annular seals. Milberger shows, in figure 2, first (unnumbered) and second 58, 60 ring seals mounted on the bodies 29 and 53 respectively and a bolted tree cap 11.

8. Claims 1-2, 4, 10 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Fenton 6,367,551. Fenton shows a flow completion system with a tubing hanger 14 with a production bore 13, production passageway 13a and outlet, and further showing first 21 and second 19 closure members (wireline plugs) and first 31 and second 49 annular seals. Fenton shows an annulus bore 22 above the second seal with a closure member 44 and a tree 26 that is lightweight (col. 2, lines 45-46).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton 6,367,551 as applied to claim 4 above, and further in view of Talafuse 4,405,014. Fenton shows an annulus bore 22 with a closure member 44 but does not show the

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closure member to be a gate moveable. However, Talafuse shows an annulus bore 22 with a closure member 44 being a moveable gate with a biasing means 152, an actuating mechanism including the piston 147. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fenton, as taught by Talafuse, to include a gate closure and actuating mechanism in order to control the flow through bore 22.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton 5,686,204 alone. Fenton discloses a lightweight tree cap but does not show the tree cap to be made of a non-metallic material. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fenton to include a non-metallic material for the tree cap since this element is disclosed as lightweight and this is only a matter of design choice to use a non-metallic material that is also lightweight.

#### ***Allowable Subject Matter***

12. Claims 13, 19 and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claims 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A Beach whose telephone number is 703.305.4848. The examiner can normally be reached on Monday-Thursday, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703.308.3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.4198.

Thomas A. Beach

May 1, 2002

Thomas B. Will

Supervisory Patent Examiner  
Group 3600